UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,209	09/12/2003	Darren Maya	0112300-1632	7186

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EXAMINER
HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
3713	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/661,209	MAYA ET AL.
	Examiner	Art Unit	
	Matthew D. Hoel	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*12 September 2003*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*1-47*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*1-47*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*12 September 2003*</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*6-14-2004*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e)

or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied

with one or more conditions for receiving the benefit of an earlier filing date under 35

U.S.C. [1] as follows:

2.   The later-filed application must be an application for a patent for an invention

which is also disclosed in the prior application (the parent or original nonprovisional

application or provisional application). The disclosure of the invention in the parent

application and in the later-filed application must be sufficient to comply with the

requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v.*

Performance Contracting, Inc., 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

3.   The disclosures of the prior-filed applications, Applications No. 09/627,198 and

10/447,779, fail to provide adequate support or enablement in the manner provided by

the first paragraph of 35 U.S.C. 112 for one or more claims of this application. All of the

claims are drawn to modifiers or accept and decline inputs, which are not supported by

the specifications of the previous applications. A priority date of Sept. 12th, 2003, the

filing date of the present application was given.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
5.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
6.   Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7.   Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 10, 17, 22, 26, and 37 of U.S. Patent No. 6,582,306 B2 in view of '298 (see 103 rejections below).

8.   As to Claim 1: '306 discloses all of the elements of Claim 1, but lacks specificity as to a second event, and a modifier. '306 teaches a gaming device (Claims 1, 10, 17, 22, 26, and 37). '306 teaches a plurality of symbols (selectable locations; Claims 1, 10, 17, 22, 26, and 37). Each symbol of '306 has a value indicator indicating a start value, an intermediate value, and a final value (first value, incremental changes to first value, final value; Claims 1, 10, 17, 22, 26, and 37). '306 teaches an event associated with each symbol (being selected by a player; Claims 1, 10, 17, 22, 26, and 37). '306 has a display unit that shows the value indicators associated with the selected symbols (Claims 1, 10, 17, 22, 26, and 37). '298, however, has a mathematical modifier (number of shares multiplied by share prices, Para. 61). The modifier has a second event

associated with it (time period ends or player hits "Sell" button, Para. 54). The award for

the stock market bonus game of '298 is based on the final value (final share price) and

the multiplier (number of shares, Para. 54). It would be obvious to one of ordinary skill

in the art to apply the bonus game of '298 to the game of '306. '298 is a slot machine

(Fig. 1, Para. 32), like '306 (Fig. 1; Col. 2, Lines 14 to 19). '298 has a bonus game

(Para. 32 and 33), like '306 (Col. 5, Lines 31 to 41). The advantage of this combination

would be to give the player an opportunity to win more by providing a multiplier to

increase the player's winnings during the bonus round.

9.   Claims 11, 21, and 40 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over Claims 1, 10, 17, 22, 26,

and 37 of U.S. Patent No. 6,582,306 B2 in view of '298 and '619 (see 103 rejections

below).

10.   As to Claim 11: The combination '306 and '298 discloses all of the elements of

Claim 11, but lacks specificity as to a modifier and a third event. '306 teaches a gaming

device (Claims 1, 10, 17, 22, 26, and 37). '306 teaches a plurality of symbols

(selectable locations; Claims 1, 10, 17, 22, 26, and 37). Each symbol of '306 has a

value indicator indicating a start value, an intermediate value, and a final value (first

value, incremental changes to first value, final value; Claims 1, 10, 17, 22, 26, and 37).

'306 teaches an event associated with each symbol (being selected by a player; Claims

1, 10, 17, 22, 26, and 37). '306 has a display unit that shows the value indicators

associated with the selected symbols (Claims 1, 10, 17, 22, 26, and 37). '306 has a

second event associated with a second symbol (second symbol picked by another

player, plurality of locations selected; Claims 1, 10, 17, 22, 26, and 37). '306 has a

display unit that shows the value indicators associated with the selected symbols

(Claims 1, 10, 17, 22, 26, and 37). '619, however, has a modifier in the form of a

multiplier (multiplier by which points won in the bonus game are multiplied, Para. 60). A

third event in '619 is associated with the multiplier (stopper value "ZONK" ends bonus

game, Para. 56), after which the bonus award is given based on the multiplier (Para.

60). '619 has an award based on the final values and the multiplier (points won in

bonus game multiplied by multiplier, Para. 60).). It would be obvious to one of ordinary

skill in the art to apply the game of '619 to the combination of '306 and '298. The basic

game of '298 can be a slot machine (Para. 37). The base game of '298 is a slot

machine (16, Fig. 1, Para. 32). Both games have bonus games that start upon a

combination of trigger symbols ('298, Para. 32; '619, Para. 39). '298 has broker's tips

giving clues as to whether or not to buy a particular stock (Para. 56). '619 teaches

giving a player information about whether or not to select a symbol (Abstract; Take It or

Leave It, Para. 56 to 58). '298 has multiple bonus games (thermometer, Fig. 3;

skydiver, Fig. 5; stock market Fig. 6). '619 teaches multiple bonus games as well (Para.

53). The advantage of this combination would be to stimulate players' interest in the

game by providing more bonus games to choose from.

11.   As to Claim 21: '306 teaches a gaming device (Claims 1, 10, 17, 22, 26, and 37).

'306 teaches a plurality of symbols (selectable locations; Claims 1, 10, 17, 22, 26, and

37). Each symbol of '306 has a value indicator indicating a start value, an intermediate

value, and a final value (first value, incremental changes to first value, final value;

Claims 1, 10, 17, 22, 26, and 37). '619 has a first selection opportunity enabling a

player to select a designated quantity of symbols (player has designated number of

Take It symbols in a bonus game, Para. 51). The shares (symbols) of '298 have an

initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para.

53), and a final value (price awarded when share is sold, Para. 54). A first event is

associated with each symbol (player picks which stock to purchase, Para. 56). The

shares (symbols in the bonus game of '298) each have their own modifier in the form of

a multiplier (number of shares times final value of shares equals bonus award for that

stock, Para. 61). '619 has a second opportunity to reselect a designated quantity of

symbols in the group (designated number of Leave It symbols allowing player to pick

another symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the

number of points won in the bonus game, including the points won by reselecting new

symbols after using Leave Its to discard unwanted symbols (Para. 60). '619 has a video

display unit (16, Fig. 1). The display unit of '619 displays the value indicators

associated with the symbols after the first and second events (values shown after

symbols picked, Fig. 6). '619 displays the award after the third event occurs (total

window 116, Fig. 5).

12.   As to Claim 40: '306 teaches a gaming device (Claims 1, 10, 17, 22, 26, and 37).

'298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a

value associated with each symbol (stock price, Fig. 7). The shares have an initial

value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53),

and a final value (price awarded when share is sold, Para. 54). A plurality of symbols

has events associated with them, namely, being picked by a player ('619, bonus game

continues until Take Its are gone or a stopper, or terminator, value is drawn, Para. 57).

'619 has player input devices (17, Fig. 1). '619 can take accept or decline inputs from

players (Take Its or Leave Its, Para. 56 to 58). '619 gives an award based on the final

values times a multiplier (Para. 60). '619 displays the symbols and their associated

values after they are picked by the player (Fig. 6). If the player provides a decline

(Leave It) input, '619 displays the value associated with the next Take It input (Para.

57).

13.   Claims 30 and 35 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over Claims 1, 10, 17, 22, 26,

and 37 of U.S. Patent No. 6,582,306 B2 in view of '298, '619, and '588 (see 103

rejections below).

14.   As to Claim 30: The combination of '306, '298, and '619 discloses all of the

elements of Claim 30, but lacks specificity as to allowing a first period of time to elapse

before showing an intermediate value for a selected symbol and allowing a second

period of time to elapse before showing a final value for a selected symbol. '306

teaches a gaming device (Claims 1, 10, 17, 22, 26, and 37). '306 teaches a plurality of

symbols (selectable locations; Claims 1, 10, 17, 22, 26, and 37). Each symbol of '306

has a value indicator indicating a start value, an intermediate value, and a final value

(first value, incremental changes to first value, final value; Claims 1, 10, 17, 22, 26, and

37). '619 has a first selection opportunity enabling a player to select a designated

quantity of symbols (player has designated number of Take It symbols in a bonus game,

Para. 51). The shares of '298 have an initial value (stock price, Fig. 6), an intermediate

value (fluctuating share prices, Para. 53), and a final value (price awarded when share

is sold, Para. 54). The shares (symbols in the bonus game of '298) each have their own

modifier in the form of a multiplier (number of shares times final value of shares equals

bonus award for that stock, Para. 61). '619 has an opportunity to reselect a designated

quantity of symbols in the group (designated number of Leave It symbols allowing

player to pick another symbol in the bonus game, Para. 51). '619 has a multiplier

multiplied by the number of points won in the bonus game, including the points won by

reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60);

the award is then awarded to the player. The slot machine of '619 has multiple symbols

(Para. 39), multiple paylines (Para. 46), and a paytable defining the different amounts

won for each payline (button 62, Para. 45). Some of the winning paylines of '619 (top,

center, and bottom, Fig. 3) have the same symbol all the way across, so each symbol

has an intrinsic numerical value in itself, and not just when taken in combination with

different symbols to form a winning payline. Sakamoto, however, in '588 teaches

allowing a first period of time to elapse before showing an intermediate value for a

selected symbol and allowing a second period of time to elapse before showing a final

value for a selected symbol. '588 teaches a slot machine with three reels (Fig. 1). A

plurality of stop commands is received, one for each reel (equivalent to receiving a

select command for a symbol; Col. 4, Lines 10 to 11). The reel is shifted in a first scroll

direction during a first time period (Col. 10, Lines 21 to 23, Figs. 14 and 15) and in a

second (opposite) scroll direction during a second time period (Col. 10, Lines 24 to 26,

Fig. 16). The reel then comes to a stop (Fig. 17). Since the reel has to change from the

first scroll direction to a second scroll direction, it will have to decelerate in the first

direction, leaving it stopped for an instant, before accelerating in the second opposite

direction. The value showed on the reel when it is instantaneously stopped while

changing directions is an intermediate value. The value showed on the reel when it

decelerates and stops in the second direction is a final value. It would be obvious to

one of ordinary skill in the art to apply the elapsed time periods of '588 to the

combination of '306, '298, and '619. The base game of '588 is a slot machine (Fig. 1),

like the base games of '298 and '619. The method of '588 is capable of being

implemented on video displays like those of '298 and '619 (Col. 8, Line 65 to Col. 9,

Line 8), and not just on mechanical reels. The stock values of '298 have fluctuating

values (Para. 53), which are ideal for being represented by the odometer-like reels of

'588 that change direction, showing an intermediate value, before stopping at a final

value. The advantage of this combination would be to build suspense on the part of the

player by not immediately showing what the final value of the selected symbol is.

15.   As to Claim 35: '306 teaches a gaming device (Claims 1, 10, 17, 22, 26, and 37).

'306 teaches a plurality of symbols (selectable locations; Claims 1, 10, 17, 22, 26, and

37). Each symbol of '306 has a value indicator indicating a start value, an intermediate

value, and a final value (first value, incremental changes to first value, final value;

Claims 1, 10, 17, 22, 26, and 37). '619 teaches enabling a player to select a first

symbol (Para. 57). '298 indicates an initial value associated with a first symbol (initial

stock price, Fig. 6). '588 teaches allowing a first period of time to elapse (reel moving

one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588

indicates an intermediate value associated with a first symbol (Fig. 16). '588 allows a

second period of time to elapse (Col. 10, Lines 24 to 26). '588 shows a final value

associated with a first symbol (Fig. 17). '619 can have at least two picks available

(Para. 56) and continues until all the picks are gone (Para. 57), so it can allow a player

to select a second symbol. '588 teaches allowing a third period of time associated with

a second symbol to elapse (reel moving one direction to stop and indicate an

intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value

associated with a second symbol (Fig. 16). '588 allows a fourth period of time

associated with a second symbol to elapse (Col. 10, Lines 24 to 26). '588 shows a final

value associated with a second symbol (Fig. 17). '619 has an opportunity to reselect a

designated quantity of symbols in the group (designated number of Leave It symbols

allowing player to pick another symbol in the bonus game, Para. 51). The shares

(symbols in the bonus game of '298) each have their own modifier in the form of a

multiplier (number of shares times final value of shares equals bonus award for that

stock, Para. 61). '619 has a multiplier multiplied by the number of points won in the

bonus game, including the points won by reselecting new symbols after using Leave Its

to discard unwanted symbols (Para. 60); the award is then awarded to the player.

Claim Rejections - 35 USC § 102

16.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

17.   A person shall be entitled to a patent unless –

18.   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19.   Claims 1 to 5, 7 to 9, 12, 13, 17 to 19, 22 to 25, 27, 31, 32, 36 to 38, and 41 to 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (U.S. patent application publication 2001/0049298 A1, application 09/829,126).

20.   As to Claim 1: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). A first event is associated with each symbol (player picks which stock to purchase, Para. 56). '298 has a modifier in the form of a multiplier; the current share price is multiplied by the number of shares at the end of the bonus game (Para. 54). The modifier has a second event associated with it (time period ends or player hits "Sell" button, Para. 54). The award for the stock market bonus game of '298 is based on the final value (final share price) and the multiplier (number of shares, Para. 54). '298 has a video display unit (14, Fig. 1). The display unit displays the symbols (stocks, Fig. 6), displays the values after the first event (fluctuating values of stocks, Para. 53), and displays the award after the second event (Para. 61).

21.   As to Claims 2, 12, 22, and 41: Each of the value indicators of '298 includes a graphical representation (current value of stock price, Fig. 7).

22.   As to Claims 3, 13, and 42: The graphical representations in '298, Figs. 3a-d and

4 a-b, include integer representations of a starting value, intermediate values, and a

final value.

23.   As to Claims 4 and 43: The first event of '298 is a symbol selection event (picking

stocks, Para. 53, Fig. 6).

24.   As to Claim 5: The second event of '298 is a symbols selection event (player hits

"Sell" button, Para. 54; buttons located on touch screen 38, Fig. 2, Para. 40).

25.   As to Claims 7, 17, 23, and 44: '298 has a graphical representation of a meter in

the form of a thermometer.

26.   As to Claims 8, 18, 24, and 45: The stock prices of '298 fluctuate, so the stock's

value when the player hits "Sell" or when the time runs out can be less than its initial

value (Para. 53).

27.   As to Claims 9, 19, 25, and 46: The intermediate values of the stock prices of

'298 can be less than or greater than the initial values (Para. 53).

28.   As to Claims 32 and 38: The shares of '298 have an initial value (stock price, Fig.

6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price

awarded when share is sold, Para. 54).

29.   As to Claim 27, 31, 36, and 37: The numerical increases of '298 Figs. 3a-d and

4a-b are integer-by-integer increases.

Claim Rejections - 35 USC § 103

30.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

31.   A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

32.   Claims 6, 10, 11, 14 to 16, 20, 21, 26, 28, 29, 34, 39, 40, and 47 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Bennett ('298) in view of Nicastro

(U.S. patent application publication 2003/0027619 A1, application 10/202,924).

33.   As to Claim 6: Bennett in '298 discloses all of the elements of Claim 6, but lacks

specificity as to displaying a sum of a plurality of the final values at one time, and

displaying the award at a later time. Nicastro, however, in '619 teaches displaying a

plurality of the final values at one time (total of values of symbols drawn in bonus game

510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special

screen with total won in bonus round, Fig. 14). It would be obvious to one of ordinary

skill in the art to apply the game of '619 to '298. The basic game of '298 can be a slot

machine (Para. 37). The base game of '298 is a slot machine (16, Fig. 1, Para. 32).

Both games have bonus games that start upon a combination of trigger symbols ('298,

Para. 32; '619, Para. 39). '298 has broker's tips giving clues as to whether or not to buy

a particular stock (Para. 56). '619 teaches giving a player information about whether or

not to select a symbol (Abstract; Take It or Leave It, Para. 56 to 58). '298 has multiple

bonus games (thermometer, Fig. 3; skydiver, Fig. 5; stock market Fig. 6). '619 teaches

multiple bonus games as well (Para. 53). The advantage of this combination would be

to stimulate players' interest in the game by providing more bonus games to choose from.

34.   As to Claims 10, 20, 29, and 47: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

35.   As to Claim 16: '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14).

36.   As to Claim 11: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). '619 has a first event associated with a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56). '619 has a modifier in the form of a multiplier (multiplier by which points won in the bonus game are multiplied, Para. 60). A third event in '619 is associated with the multiplier (stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60). '619 has an award based on the final values and the multiplier (points won in bonus game multiplied by multiplier, Para. 60). '619 has a

video display unit (16, Fig. 1). The display unit of '619 displays the value indicators

associated with the symbols after the first and second events (values shown after

symbols picked, Fig. 6). '619 displays the award after the third event occurs (total

window 116, Fig. 5).

37.   As to Claim 14: '619 has a first event associated with player selecting a symbol

(player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also

has a second event associated with the player selecting a second symbol (at least two

picks are available based on two picks per payline, Para. 56; player picks symbols until

Take-Its are gone, Para. 56).

38.   As to Claim 15: The third event in '619 is associated the player selecting a

symbol (symbol picked revealing stopper value "ZONK" ends bonus game, Para. 56),

after which the bonus award is given based on the multiplier (Para. 60).

39.   As to Claim 21: Bennett in '298 teaches a gaming device operable upon a wager

(Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6).

'298 has a value associated with each symbol (stock price, Fig. 7). '619 has a first

selection opportunity enabling a player to select a designated quantity of symbols

(player has designated number of Take It symbols in a bonus game, Para. 51). The

shares of '298 have an initial value (stock price, Fig. 6), an intermediate value

(fluctuating share prices, Para. 53), and a final value (price awarded when share is sold,

Para. 54). A first event is associated with each symbol (player picks which stock to

purchase, Para. 56). The shares (symbols in the bonus game of '298) each have their

own modifier in the form of a multiplier (number of shares times final value of shares

equals bonus award for that stock, Para. 61). '619 has a second opportunity to reselect

a designated quantity of symbols in the group (designated number of Leave It symbols

allowing player to pick another symbol in the bonus game, Para. 51). '619 has a

multiplier multiplied by the number of points won in the bonus game, including the points

won by reselecting new symbols after using Leave Its to discard unwanted symbols

(Para. 60). '619 has a video display unit (16, Fig. 1). The display unit of '619 displays

the value indicators associated with the symbols after the first and second events

(values shown after symbols picked, Fig. 6). '619 displays the award after the third

event occurs (total window 116, Fig. 5).

40.   As to Claim 26: The multiplier of '619 increases the number of points won in the

bonus game (Para. 60).

41.   As to Claim 28: '619 has indicators 124 (values of tiles) and 126 (stopper

indicators) on the sides of the screen in Fig. 5, indicating the values of all the tiles on the

screen, including those not selected by the player (Para. 50).

42.   As to Claims 34 and 39: In '619 the step of determining an award can include

determining an amount greater than the sum of the indicated final value. In Para. 60,

the sum of the points won in the bonus game is multiplied by a multiplier.

43.   As to Claim 40: Bennett in '298 teaches a gaming device operable upon a wager

(Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6).

'298 has a value associated with each symbol (stock price, Fig. 7). The shares have an

initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para.

53), and a final value (price awarded when share is sold, Para. 54). A plurality of

symbols has events associated with them, namely, being picked by a player ('619,

bonus game continues until Take Its are gone or a stopper, or terminator, value is

drawn, Para. 57). '619 has player input devices (17, Fig. 1). '619 can take accept or

decline inputs from players (Take Its or Leave Its, Para. 56 to 58). '619 gives an award

based on the final values times a multiplier (Para. 60). '619 displays the symbols and

their associated values after they are picked by the player (Fig. 6). If the player

provides a decline (Leave It) input, '619 displays the value associated with the next

Take It input (Para. 57).

44.   Claims 30, 33, and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bennett ('298) and Nicastro ('619) in view of Sakamoto (U.S. patent

6,471,588 B2).

45.   As to Claim 30: The combination of Bennet ('298) and Nicastro ('619) discloses

all of the elements of Claim 30, but lacks specificity as to allowing a first period of time

to elapse before showing an intermediate value for a selected symbol and allowing a

second period of time to elapse before showing a final value for a selected symbol.

'298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has a

value associated with each symbol (stock price, Fig. 7). '619 has a first selection

opportunity enabling a player to select a designated quantity of symbols (player has

designated number of Take It symbols in a bonus game, Para. 51). The shares of '298

have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices,

Para. 53), and a final value (price awarded when share is sold, Para. 54). The shares

(symbols in the bonus game of '298) each have their own modifier in the form of a

multiplier (number of shares times final value of shares equals bonus award for that

stock, Para. 61). '619 has an opportunity to reselect a designated quantity of symbols

in the group (designated number of Leave It symbols allowing player to pick another

symbol in the bonus game, Para. 51). '619 has a multiplier multiplied by the number of

points won in the bonus game, including the points won by reselecting new symbols

after using Leave Its to discard unwanted symbols (Para. 60); the award is then

awarded to the player. The slot machine of '619 has multiple symbols (Para. 39),

multiple paylines (Para. 46), and a paytable defining the different amounts won for each

payline (button 62, Para. 45). Some of the winning paylines of '619 (top, center, and

bottom, Fig. 3) have the same symbol all the way across, so each symbol has an

intrinsic numerical value in itself, and not just when taken in combination with different

symbols to form a winning payline. Sakamoto, however, in '588 teaches allowing a first

period of time to elapse before showing an intermediate value for a selected symbol and

allowing a second period of time to elapse before showing a final value for a selected

symbol. '588 teaches a slot machine with three reels (Fig. 1). A plurality of stop

commands is received, one for each reel (equivalent to receiving a select command for

a symbol; Col. 4, Lines 10 to 11). The reel is shifted in a first scroll direction during a

first time period (Col. 10, Lines 21 to 23, Figs. 14 and 15) and in a second (opposite)

scroll direction during a second time period (Col. 10, Lines 24 to 26, Fig. 16). The reel

then comes to a stop (Fig. 17). Since the reel has to change from the first scroll

direction to a second scroll direction, it will have to decelerate in the first direction,

leaving it stopped for an instant, before accelerating in the second opposite direction.

The value showed on the reel when it is instantaneously stopped while changing

directions is an intermediate value. The value showed on the reel when it decelerates

and stops in the second direction is a final value. It would be obvious to one of ordinary

skill in the art to apply the elapsed time periods of '588 to the combination of '298 and

'619. The base game of '588 is a slot machine (Fig. 1), like the base games of '298 and

'619. The method of '588 is capable of being implemented on video displays like those

of '298 and '619 (Col. 8, Line 65 to Col. 9, Line 8), and not just on mechanical reels.

The stock values of '298 have fluctuating values (Para. 53), which are ideal for being

represented by the odometer-like reels of '588 that change direction, showing an

intermediate value, before stopping at a final value. The advantage of this combination

would be to build suspense on the part of the player by not immediately showing what

the final value of the selected symbol is.

46.   As to Claim 33: It is inherent that the combination of '298, '619, and '588 would

be able to repeat the steps (c) through (g) for a first selected symbol and a second

selected symbol. '588 teaches receiving a plurality of stop instructions (Col. 4, Lines 10

to 11). '619 teaches selecting symbols one at a time until they are gone (Para. 57).

47.   As to Claim 35: '298 teaches a plurality of symbols (multiple shares to choose

from, Fig. 6). '619 teaches enabling a player to select a first symbol (Para. 57). '298

indicates an initial value associated with a first symbol (initial stock price, Fig. 6). '588

teaches allowing a first period of time to elapse (reel moving one direction to stop and

indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate

value associated with a first symbol (Fig. 16). '588 allows a second period of time to

elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a first symbol

(Fig. 17). '619 can have at least two picks available (Para. 56) and continues until all

the picks are gone (Para. 57), so it can allow a player to select a second symbol. '588

teaches allowing a third period of time associated with a second symbol to elapse (reel

moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to

23). '588 indicates an intermediate value associated with a second symbol (Fig. 16).

'588 allows a fourth period of time associated with a second symbol to elapse (Col. 10,

Lines 24 to 26). '588 shows a final value associated with a second symbol (Fig. 17).

'619 has an opportunity to reselect a designated quantity of symbols in the group

(designated number of Leave It symbols allowing player to pick another symbol in the

bonus game, Para. 51). The shares (symbols in the bonus game of '298) each have

their own modifier in the form of a multiplier (number of shares times final value of

shares equals bonus award for that stock, Para. 61). '619 has a multiplier multiplied by

the number of points won in the bonus game, including the points won by reselecting

new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is

then awarded to the player.

Citation of Pertinent Prior Art

48.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Sakamoto in U.S. patent applicaton publication 2001/0041611,

application 09/899,061, teaches a method of controlling a gaming machine. Kurihara in

U.S. patent 5,664,999 A teaches a picture amusement apparatus. Sakamoto in U.S. patent 6,315,663 B1 teaches a gaming machine and method with shifting reels in both directions. Kamimura, et al. in U.S. patent application 2002/0065127 A1, application 10/043,097, teach a gaming machine. Walker, et al. in U.S. patent application 2003/0144052 A1, application 10/374,023, teach a system and method for facilitating play of a game with user-selected elements. In Japanese patent JP02003010478A, Sugijima, et al. teach false outcomes for a gaming machine.
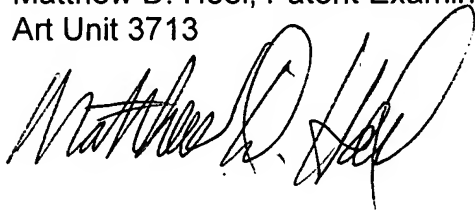
Conclusion

49.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M..

50.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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